

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

IN RE ALTA MESA RESOURCES, INC.  
SECURITIES LITIGATION

Civil Action No. 4:19-cv-00957

**STIPULATION AND [PROPOSED] ORDER  
REGARDING ORDER OF PROOF AT TRIAL**

Court-appointed Class Plaintiffs and Class Representatives, FNY Partners Fund LP, FNY Managed Accounts, LLC, Paul J. Burbach, United Association National Pension Fund (f/k/a Plumbers and Pipefitters National Pension Fund) and Camelot Event Driven Fund, a series of Frank Funds Trust (collectively, “Plaintiffs”) and Defendants James T. Hackett, Jeffrey H. Tepper, Diana J. Walters, Harlan H. Chappelle, Michael E. Ellis, Ronald Smith, Riverstone Holdings LLC, Bayou City Energy LLC, and ARM Energy Holdings LLC (collectively, “Defendants” and, together with Plaintiffs, the “Parties”), by and through their respective counsel, hereby enter into this Stipulation regarding the order of proof at trial.

WHEREAS, the Parties have conferred regarding the order of proof in an effort to present the evidence in a manner least likely to cause confusion, duplication or prejudice to any party;

WHEREAS, Federal Rule of Evidence 611(a) allows the Court to “exercise reasonable control over the mode and order of examining witnesses and presenting evidence” and the order of proof at trial rests within the sound discretion of the trial court (*Rodriguez v. Olin Corp.*, 780 F.2d 491, 494 (5th Cir. 1986));

IT IS HEREBY STIPULATED AND AGREED, by and among the Parties hereto, through their undersigned counsel and subject to the approval of the Court, as follows:

1. In the interest of efficiency and to mitigate the need to call witnesses to testify more than once, Defendants will use their cross-examination of witnesses during the Plaintiffs’ case-in-chief to develop Defendants’ case-in-chief by asking questions that go beyond the scope of the Plaintiffs’ direct examinations. However, a Defendant may elect to defer its direct examination of itself or any witness it controls until Defendants’ case-in-

chief. To do so, the Defendant shall notify the Court and counsel for the Plaintiffs prior to their examination of such a witness that they are only cross-examining the witness in accordance with Federal Rule of Evidence 611(b) and the witness will be recalled by the Defendant in their case-in-chief for purposes of a direct examination. All witnesses other than those a Defendant controls who the Defendant elects to defer direct examination can only be recalled by the Defendant with leave of the Court for good cause. All witnesses a Defendant directly examines during Plaintiffs' case-in-chief can only be recalled by the Defendant in its case-in-chief with leave of the Court for good cause, which will include recalling a person the Defendant controls for the limited purpose of addressing testimony or evidence occurring after their prior testimony. The scope of the direct examination of any witness recalled by any party is restricted to matters that are non-cumulative.

2. With respect to those witnesses Defendants directly examined during Plaintiffs' case-in-chief, Defendants are entitled to re-direct examination of the witness following Plaintiffs' re-direct-examination/cross-examination provided it is non-cumulative. This is without waiver of the right of any party to seek additional non-cumulative cross-examination or re-direct examination of any witness.

3. For witnesses called by Defendants in their case-in-chief who were not previously called by Plaintiffs, Plaintiffs may use their cross-examination to directly examine the witnesses by asking questions that go beyond the scope of the Defendants' direct examinations with leave of the Court for good cause, which will include for the limited purpose of eliciting testimony or evidence pursuant to the Plaintiffs' rebuttal case. For any

such witness, Plaintiffs are entitled to re-direct examination of the witness following Defendants' re-direct-examination/cross-examination provided it is non-cumulative.

4. This stipulation does not apply to expert witnesses.

Dated: October 23, 2024

s/ Andrew J. Entwistle

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SO ORDERED, this \_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
THE HONORABLE GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE